IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.4635 of 2006

Shri Suresh Ravindra Kane Applicant
Vs.
State of Maharashtra Respondent

Mr.Ganesh Iyer for applicant.
Mr. U.V.Nikam, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 24, 2007.

P.C.

. Heard. The applicant is one of the two accused in NDPS Special Case No.157/2006 and he was arrested on 31/7/2006 in C.R. No.218/2006 punishable under Section 8 read with Sections 20 and 29 of the NDPS Act. On completion on investigation charge-sheet was filed and he applied for being released on bail in Bail Application No.380 of 2006 which has been rejected by the learned Special Judge on 21/11/2006. Hence this application for being released on bail.

. As per the prosecution case when the applicant was apprehended between 11.30 a.m. to 12 noon on Senapati Bapat Marg, Dadar on 31/7/2006, a plastic bag containing 21 Kgs. of ganja was seized from the possession of the present applicant, whereas it is

the case of the applicant that the seized plastic bag was not in his possession and the person who had brought the said substance had not handed over the plastic bag to the applicant when he was apprehended by the raiding party. This version is not accepted by the prosecution and they contend that the plastic bag containing 21 Kgs. of the substance was transferred to the applicant and it was seized from his possession. Under these circumstances, the reasoning set out by the learned Special Judge in rejecting the plea for being released on bail cannot be faulted with.

. I am, therefore, satisfied that there is no case made out to hold that prima facie the applicant was not in possession of ganja on 31/7/2006 and, therefore, he cannot be released on bail. The application is rejected. Trial expedited.

(B.H.MARLAPALLE,J.)